

REMARKS

Applicant acknowledges that claims 1 and 3-8 are pending in the application and that claims 4-8 stand withdrawn. Accordingly, only claims 1 and 3 have been examined on the merits.

Claim 1 has been amended to overcome the objection raised by the Examiner on page 2 of the official action. The amendment of claim 1 is in conformity with the request of the Examiner and accordingly the objections to claim 1 should be withdrawn.

The rejection of claims 1 and 3 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is respectfully traversed.

Claim 1 has been amended to remove the language which the Examiner considers vague and indefinite and to replace it with language which is both clear and consistent with the specification as set forth on page 21 lines 6-18. Accordingly, the display state of the other character changes from a normal display state to one of an obscure state, a blurred state, a blinking state and a semi-transparent state when a communication state with the other game apparatus deteriorates. No ambiguity should now exist in understanding the change in display state.

Claims 1 and 3 are now believed to be definite and the rejection under 35 USC 112, second paragraph, should be withdrawn.

The rejection of claims 1 and 3 under 35 USC 103(a) as being unpatentable

over Freeman et al (USP 6,356,288) in view of Shimizu (USP 6,561,907) is respectfully traversed.

To more clearly distinguish the invention as claimed in claim 1 from the interpretation of Freeman, applicant has further amended claim 1 to specify that the display position of the other character on the display unit is determined based on previously received coordinate data from the other game apparatus. This is directly taught in the specification on page 21, lines 15-19 respectively. No basis exists whatsoever for interpreting the teaching in Freeman regarding applying different cinematographic effects to the teaching of the control of a display state of the other character with the display position of the other character determined based on previously received coordinate data from the other game apparatus such that the display state changes from a normal display state to one of an obscure state, a blurred state, a blinking state and a semi-transparent state when a communication state with the other game apparatus deteriorates. This is clearly not taught in Freeman taken alone or in combination with Shimizu. Accordingly, claim 1, as amended, is clearly patentable over Freeman and Shimizu under 35 USC 103(a) and the rejection thereof should be withdrawn.

Reconsideration and allowance of claims 1 and 3 is respectfully solicited.

~~Respectfully submitted,~~

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MAILING CERTIFICATE

I hereby certify that this Amendment is being submitted to the U.S. Patent and Trademark Office via EFS Web and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on November 18, 2009.

A. Mayhew